

# COUNTY OF YORK

## MEMORANDUM

**DATE:** December 3, 2004 (BOS Mtg. 12/21/04)

**TO:** York County Board of Supervisors

**FROM:** James E. Barnett, County Attorney

**SUBJECT:** Resolution authorizing conveyance of drainage easement to Home Depot USA, Inc. across property owned by the County of York

Recently, the County entered into an agreement with the owners and developers of various parcels of property in the vicinity of Mooretown Road in the northern portion of the County for the improvement and maintenance of a drainage pond serving each of the parcels. Briefly, the developers at their own cost enlarged and upgraded the pond so that it would be sufficient to serve several large businesses including the Lightfoot Wal-Mart, Lowe's Home Improvement, and most recently Home Depot, and then conveyed the pond parcel to the County. Henceforth, the property owners will bear all costs of pond maintenance, although the maintenance will be performed by the County. The agreement contemplated that each of those businesses would be constructing storm drainage pipes and other drainage facilities across a portion of the pond parcel so that the drainage flow could be directed into the pond.

Home Depot has now approached the County for the approval of a drainage easement across a portion of the County-owned pond parcel so that its drainage facilities can cross the pond parcel and extend to the pond itself. Attached is a copy of a plat made by AES Consulting Engineers showing the location of the proposed easement. County staff at the Department of Environmental and Development Services have reviewed and approved the location of the easement. However, as with the conveyance of any interest in land in County-owned real estate, a public hearing must be held before the requested easement can be conveyed to Home Depot. This matter has therefore been advertised for a public hearing, and attached is proposed Resolution R04-180 which will authorize the County Administrator to execute an appropriate drainage easement deed for the benefit of Home Depot USA, Inc. Home Depot, is, by the way, one of those property owners who, by virtue of the drainage pond agreement referenced above, will be obligated to pay to the County its pro-rated costs of the annual maintenance for the pond.

I recommend the adoption of Resolution R04-180.

Barnett/3440:swh  
Attachments

- Plat showing location of easement
- Resolution No. 04-180